COURT NO. 2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 6070 (S/S) of 2001

(Old Case No. 1346 of 1993)

1. Narendara Prasad son of Sri Surendra Datt, Resident of Village Narwa, Post Office Jaspur-Via-Baijaro, Patti Dhaundhiyal suen, District Pauri Garhwal.
2. Satendra Singh son of Sri Sultan Singh resident of Village Guruphali, Post Office Chaukhal, District Pauri Garhwal.

..... Petitioners

Versus

1. The State of Uttar Pradesh, through the Chief Secretary, Counsel House, Lucknow.
2. The Executive Engineer, U.P. Jal Nigam, Pauri Shakha, District Pauri Garhwal.
3. The Executive Engineer, Anurakhshan Khand, Garhwal Jal Sansthan Kotdwar, District Pauri Garhwal.
4. The Superintending Engineer, Pauri Construction Division, U.P. Jal Nigam, Pauri.

..... Respondents.

Sri P.C. Jhingan, learned counsel for the petitioners.
Learned Standing Counsel for the State and
Sri Rakesh Thapliyal, learned counsel for respondent no. 3.

Dated: 27.11.2007

Hon'ble P.C.Verma, J.

By means of this writ petition the petitioners have prayed to issue a writ, order or direction in the nature of Certiorari quashing the impugned order of transfer No. 1375/Ja.Ni./Dia.Ve.Bho./02/91-92 dated 08.03.1992 and have further prayed to issue a writ in the nature of Mandamus commanding the respondent no.3 to permit the petitioners to join duties in the Jal Sansthan, Pauri Garhwal and to pay their full back

wages from the date of their refusal to accept the services of the petitioners.

2. Sri P.C. Jhingan, learned counsel for the petitioners made a statement at bar that he does not press the petition on behalf of petitioner no.1 since he has attained the age of his superannuation and the petition in respect of petitioner no.1 has become infructuous. In view of the above statement, the petition so far as it relates to petitioner no.1 is dismissed as infructuous.

3. Petitioner no.2 was employed as Chaukidar in the year 1986 in the Drinking Water Supply Scheme under respondent no.2/The Executive Engineer, U.P. Jal Nigam. The said Drinking Water Supply Scheme, after its completion, was handed over to the Garhwal Jal Sansthan, Kotdwara, District Pauri Garhwal by the U.P. Jal Nigam w.e.f. October 1990 and as such petitioner no.2 was also transferred to the Garhwal Jal Sansthan. Since them petitioner no. 2 served in the Garhwal Jal Sansthan for more than one year. After that Garhwal Jal Sansthan vide its letter dated 08.03.1992, which is the order impugned in this writ petition, transferred petitioner no.2 and other similarly situated employees to U.P. Jal Nigam citing the reason that they did not fulfill the criteria of age which is stated to be minimum 18 years and maximum 30 years at the time of their initial appointment with Jal Nigam.

5. Considering the facts and circumstances of the case, I hereby direct that if petitioner no.2 is covered under any regularization rule, he shall be entitled to be regularized and the same shall be

considered by the Garhwal Jal Sansthan, Pauri Garhwal.

6. With the above said direction, the writ petition is disposed of.

(P.C. Verma,J.)

27.11.2007
RBS